

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**CARL STEWART,  
a/k/a CARL BURTON,**

## Plaintiff

**V.**

**SUPERINTENDENT DAVID A. VERANO, *et al.*,**

## Defendants

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**CIVIL NO. 1:13-CV-2518**

**(Judge Rambo)**

**(Magistrate Judge Mehalchick)**

# MEMORANDUM

Before the court is a report and recommendation (Doc. 153) of the magistrate judge to whom this matter is referred in which she recommends that the motion of Plaintiff, Carl Stewart, for a temporary restraining order be denied. Plaintiff has filed objections (Doc. 155) to the report and recommendation. For the reasons set forth below, the court will adopt the report and recommendation and the motion for a temporary restraining order will be denied.

Stewart is a state prisoner currently incarcerated at SCI-Greene. He was previously incarcerated at SCI-Coal Township. The instant motion for injunctive relief concerns conditions of confinement and personnel at SCI-Greene. The magistrate judge noted in her report and recommendation that the amended complaint sets forth an Eighth Amendment claim against personnel at SCI-Coal Township.

The magistrate judge's recommendation to deny injunctive relief is based on (1) the fact that the request for injunctive relief is against parties who are not parties to the captioned law suit; and (2) the motion concerns a different set of

facts than those presented in the amended complaint (Doc. 13 at pp. 3-4). Stewart's objection is that his case is based on a claim of inadequate medical care provided by Corizon Health Care, which organization provides health care for all Pennsylvania prisons and that he should be seen by an outside doctor not associated with the Department of Corrections (Doc. 155). Stewart does not respond to the magistrate judge's legal argument that an injunction can not be granted when the issues raised in the motion are entirely different from those raised in the complaint. (Doc. 153 at p. 3.)

The report and recommendation of the magistrate judge will be adopted. An appropriate order will be issued.

s/Sylvia H. Rambo  
United States District Judge

Dated: August 11, 2015.